

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

JUNIOR ORLANDO ANDREW,

Plaintiff,

v.

Case No: 5:23-cv-102-TJC-PRL

**WASTE PRO OF FLORIDA, INC. and
WASTE PRO USA INC,**

Defendants.

ORDER

This Fair Labor Standards Act case is before the Court for consideration of Defendants Waste Pro of Florida, Inc. and Waste Pro USA Inc.'s motion to compel *pro se* Plaintiff, Junior Orlando Andrew, to respond to written discovery and appear for deposition. (Doc. 18).

Defendants' motion recites that, despite repeated attempts by their counsel to correspond via letter and email regarding responses to overdue discovery requests, Plaintiff has not responded to Defendants' first request requests for production of documents and first set of interrogatories that were served on March 28, 2023, and were due on April 27, 2023. (Doc. 18). Likewise, Plaintiff has not responded to Defendants' request, made on June 8, 2023, for his availability for a deposition in July. Plaintiff also failed to respond to attempts to confer regarding the Case Management Report, additional requests to respond to the discovery requests, and for availability for deposition in September.


Defendants have now moved for entry of an order compelling the outstanding discovery, compelling Plaintiff's deposition, and for an award of costs and attorney's fees.

(Doc. 18). Plaintiff has failed to respond to the motion, and the time for responding has expired. It also appears that Plaintiff has failed to diligently prosecute this case.

Accordingly, upon due consideration, it is Ordered that:

1. Defendants' motion to compel Plaintiff to respond to written discovery (Doc. 18) is GRANTED. On or before October 16, 2023, Plaintiff Junior Orlando Andrew shall respond to Defendants' First Request for Production of Documents and First Set of Interrogatories.
2. Plaintiff is advised that he must appear for deposition as required by the Federal Rules of Civil Procedure.
3. By written response filed on or before October 16, 2023, Plaintiff shall show cause why costs and attorney's fees should not be awarded under Rule 37(a)(5)(A) of the Federal Rules of Civil Procedure.
4. Further, on or before October 16, 2023, Plaintiff shall show cause why this case should not be dismissed for lack of diligent prosecution under Local Rule 3.10.

DONE and **ORDERED** in Ocala, Florida on September 27, 2023.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties